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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/683,772

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Jason Stoliker

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EXAMINER

VAN DOREN, BETH

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,772

Applicant(s)

STOLIKER ET AL.

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final office action in response to communications received 08/25/06.

Claims 1, 9, and 17 have been amended. Claims 1-24 are pending.

Response to Arguments

2. Applicant's arguments with regards to Garg (U.S. 2005/0149374) have been fully considered, but they are not persuasive. In the remarks, Applicant argues that Garg et al. does not teach or suggest (1) automatically presenting at least one vehicle repossession assignment to the contractor upon the contractor's login to the account (since Garg et al. teaches that the request is immediately presented to the tow truck), (2) that the online account is securely and remotely accessible by the contractor since the reference is silent as to whether the mobile data terminal requires a login, or (3) receiving input from a contractor accepting or declining the at least one assignment (Garg et al. is silent as to the manner in which the tow driver accepts or denies a request).

In response to argument (1), Examiner respectfully disagrees. Examiner notes that this limitation was added in the current amendments and is therefore addressed below. Garg et al. specifically discloses that the tower logs into the system using a username and password, since the system controls access rights. See paragraphs 0043, 0045, 0047-9, wherein the tower computer terminal (i.e. mobile terminal) is connected to the system via a computer connection, the computer connection linking the tower terminal to the server and customer. In order to connect to the system, "the tower would log into the system" (See paragraph 0043). Paragraph 0069 discloses the system dispatching the assignment and the tower accepting the assignment as two separate steps. The system specifically records the time, date, and odometer reading of the

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tower at the time of acceptance. Therefore, it is clear from Garg et al. that the request is not immediately presented and accepted, since login and acceptance are clearly recited as separate actions.

In response to argument (2), Examiner respectfully disagrees. See paragraph 0045, which discloses the computer connection for a customer, tower, and ASP. The reference discusses this connection in the preceding and subsequent paragraphs, stating that a tower with client software utilizes the computer connection to connect with the ASP and log into the system. The computer connection is specifically between the customer, tower, and ASP. The customer computer and the tower computer terminal are specifically connected to each other and the server via a computer connection. Access to the server is only granted using a user name and password. Therefore, it is clear that the data of the system can only be accessed when a user (including the tower) logs into the system.

In response to argument (3), Examiner respectfully disagrees. Garg et al. expressly discloses the tow truck driver accepting a call (storing the date, time, and odometer reading of the truck at the time of acceptance). See paragraphs 0069 and 0080, where the contractor accepts or declines a vehicle assignment (Garg et al. teaches accepts). Examiner points out that that claims 2, 10, and 18 do not expressly recite the manner in which the tow driver accepts or denies a request, merely that the server computer is configured to receive such input (in claim 2), that the input is received (in claim 10), and means to receiving input (in claim 18). Garg et al. discloses in at least paragraphs 0045 and 0080 a network based system that is configured to receive the input recited in paragraph 0069. Therefore, examiner maintains the rejections set forth below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-13, 15-21, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garg (U.S. 2005/0149374).

As per claim 1, Garg teaches an online system for issuing vehicle r assignments to vehicle contractors, the system comprising at least one server computer operably serving at least one client computer, the at least one server computer configured to:

(i) host a secure online account for a vehicle repossession contractor wherein the online account is securely and remotely accessible by the contractor (See paragraphs 0045, 0069-70, 0080, wherein the tow truck driver accesses the system from a mobile data terminal. The system requires login to access information of the system);

(ii) receive input assigning at least one vehicle assignment to the contractor wherein the at least one vehicle repossession assignment is added to the contractor's online account (See paragraphs 0045, 0069-70, 0080, wherein the tow truck driver is assigned a tow assignment);

(iii) automatically present the at least one vehicle assignment to the contractor upon the contractor's login to the account (See paragraphs 0043, 0045, 0047-9, 0069, 0080, 0098, wherein the tower logs-in to the system and is able to receive the assignment that was assigned to the

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tower by the dispatcher via the dispatch system. The mobile terminal presents the dispatched assignment and thus it is presented automatically);

(iv) receive input containing feedback from the contractor regarding a vehicle assignment that has been completed (See paragraphs 0069-70, 0080, 0082, 0091, 0093, wherein completed assignments are stored in the system).

Garg further discloses that the vehicle assignment is for a vehicle of a debtor that being taken and held or sold as security or payment for a debt or duty (See paragraphs 0015, 0059, and 0067, wherein the police asked for the vehicle assignment to have the vehicle claimed due to overdue violations and payments).

However, Garg does not expressly disclose that the vehicle assignment is for repossession.

Garg discloses a system where a customer communicates a vehicle assignment request to a dispatcher who assigns the vehicle assignment to a driver of a tow truck. Examiner points out that the fact the vehicle assignment is for repossession is an intended field of use and has no functional significance on the structure or limitations of the claims (i.e. whether the truck is taken by a bank or police based on failure to pay does not change the assignment of the vehicle to a contractor). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to assign a vehicle assignment concerning repossession to a contractor using the system of Garg in order to more efficiently allow a vehicle assignment to be requested by a secondary party, such as police or banks, by using an automated system that reduces errors, cost, and labor requirements. See paragraphs 0012, 0014, 0016.

As per claims 2, 5, 7, and 8, Garg discloses:

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As per claim 2, Garg teaches wherein the at least one server computer is additionally configured to receive input from the contractor accepting or declining the at least one vehicle assignment (See paragraphs 0045, 0069-70, 0080, wherein the contractor accepts or declines a vehicle assignment).

As per claim 5, Garg discloses wherein the feedback includes an invoice for a vehicle assignment that has been performed (See paragraphs 0052, 0060-3, 0091, 0094-5, which discloses an invoice in the system).

As per claim 7, Garg discloses wherein at least one server computer is additionally configured to receive input and present output suspending or canceling a pending assignment (See paragraphs 0081-2, 0091, wherein a dispatch request is cancelled).

As per claim 8, Garg discloses wherein the at least one server computer is additionally configured to initiate a notification to the contractor indicating that a new vehicle assignment is pending at the contractor's online account (See paragraphs 0079 and 0080-1, wherein the contractor is notified).

However, in each of claims 2, 5, 7, and 8, Garg does not expressly disclose that the vehicle is being repossessed.

Garg discloses a system where a customer communicates a vehicle assignment request to a dispatcher who assigns the vehicle assignment to a driver of a tow truck. Examiner points out that the fact the vehicle assignment is for repossession is an intended field of use and has no functional significance on the structure or limitations of the claims (i.e. whether the truck is taken by a bank or police based on failure to pay does not change the assignment of the vehicle to a contractor). Therefore, it would have been obvious to one of ordinary skill in the art at the

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time of the invention to assign a vehicle assignment concerning repossession to a contractor using the system of Garg in order to more efficiently allow a vehicle assignment to be requested by a secondary party, such as police or banks, by using an automated system that reduces errors, cost, and labor requirements. See paragraphs 0012, 0014, 0016.

As per claim 3, Garg teaches wherein the at least one server computer is additionally configured to receive input defining a profile for the contractor (See paragraph 0069-70, 0093, wherein a profile of a contractor is maintained in the system, and new drivers can be added).

As per claim 4, Garg discloses wherein the feedback includes a vehicle condition report for a vehicle (See paragraph 0050, 0054, 0069, 0073, 0091, wherein a description of the car and odometer readings are stored in the system).

However, while Garg discloses that the vehicle is taken because a person had not paid on a debt or duty, Garg does not expressly disclose that the vehicle is being reposed.

Garg discloses a system where a customer communicates a vehicle assignment request to a dispatcher who assigns the vehicle assignment to a driver of a tow truck. Examiner points out that the fact the vehicle assignment is for repossession is an intended field of use and has no functional significance on the structure or limitations of the claims (i.e. whether the truck is taken by a bank or police based on failure to pay does not change the assignment of the vehicle to a contractor). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to assign a vehicle assignment concerning repossession to a contractor using the system of Garg in order to more efficiently allow a vehicle assignment to be requested by a secondary party, such as police or banks, by using an automated system that reduces errors, cost, and labor requirements. See paragraphs 0012, 0014, 0016.

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Claims 9-13 and 15-16 recite equivalent limitations to claims 1-5 and 7-8, respectively, and are therefore rejected using the same art and rationale set forth above.

Claims 17-21 and 23-24 recite equivalent limitations to claims 1-5 and 7-8, respectively, and are therefore rejected using the same art and rationale set forth above.

5. Claims 6, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garg (U.S. 2005/0149374) in view of "Facts for Consumers: Vehicle Repossession" (Federal Trade Commission).

As per claim 6, Garg discloses wherein the feedback includes information concerning the vehicle (See paragraph 0050, 0054, 0069, 0073, 0091). However, while Garg discloses that the vehicle is taken because a person had not paid on a debt or duty, Garg does not expressly disclose that the vehicle is being reposed. Garg further does not disclose a listing of personal property found within the vehicle.

"Facts for Consumers: Vehicle Repossession" discloses identifying personal property found within a repossessed vehicle (See page 2, section 1).

Garg discloses a system where a customer communicates a vehicle assignment request to a dispatcher who assigns the vehicle assignment to a driver of a tow truck. Examiner points out that the fact the vehicle assignment is for repossession is an intended field of use and has no functional significance on the structure or limitations of the claims (i.e. whether the truck is taken by a bank or police based on failure to pay does not change the assignment of the vehicle to a contractor). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to assign a vehicle assignment concerning repossession to a contractor

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using the system of Garg in order to more efficiently allow a vehicle assignment to be requested by a secondary party, such as police or banks, by using an automated system that reduces errors, cost, and labor requirements.. See paragraphs 0012, 0014, 0016.

Further, "Facts for Consumers: Vehicle Repossession" discloses information concerning why and how a vehicle would be repossessed. "Facts for Consumers: Vehicle Repossession" specifically discloses that the items left in a repossessed car must be accounted for by the person seizing the car. Garg discloses maintaining management and vehicle related feedback regarding a towed car, such as condition and odometer information, as well as lien information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include personal property found within a repossessed vehicle in the information of the system of Garg in order to more accurately return personal property to the person from whom the vehicle was repossessed, thus reducing the instances where lawyer intervention is needed. See page 2, section 2, of "Facts for Consumers: Vehicle Repossession".

Claims 14 and 22 each recite equivalent limitations to claim 6 and are therefore rejected using the same art and rationale set forth above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lwd
bvd

October 20, 2006

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Beth Van Doren
Patent Examiner
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